



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,339	01/23/2004	Sergey N. Razumov	59036-039	4969

7590 10/01/2010
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

ALMATRAHI, FARIS S

ART UNIT	PAPER NUMBER
----------	--------------

3627

MAIL DATE	DELIVERY MODE
-----------	---------------

10/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,339

Applicant(s)

RAZUMOV, SERGEY N.

Examiner

FARIS ALMATRAHI

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-44 is/are pending in the application.
- 4a) Of the above claim(s) 16-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15 and 39-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. This action is in reply to applicant communication filed August 10, 2010.
2. Claims 2-15 and 39-44 have been amended.
3. Claim 1 has been cancelled.
4. Claims 16-38 have been withdrawn.
5. Claims 2-44 are pending in this application.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-15 and 39-44 are rejected under 35 U.S.C 103(a) as being unpatentable over Perkowski (US Publication No. 2003/0009392 A1) in view of Schlaflly (US Patent No. 4,734,858) and Roach et al. (US Patent No. 5,434,394).

Perkowski shows a system for processing orders received from a client terminal, the system comprising an order support server causing the client terminal to produce a graphical user interface identifying goods available in a regional network that includes a

selected point of sale, if the item is available in the regional network, the graphical user interface enabling the customer to place an order for delivery of the item within the regional network, if the item is not available in the regional network, the order support server determining a first node outside of the regional network, at which the item is available; and a first server associated with the first node and configured for receiving the request if the item is not available in the regional network (Figure 2, Paragraphs [0107], [0232] – [0233], [0416], [1002]). A second server configured for arranging a return path for return of an item returned by a customer from a point of sales selected by the customer for return to a selected node (Figure 2, Paragraphs [0107], [0232]). A two-directional transfer of goods between regional node and selected node (Figure 2).

Perkowski does not explicitly teach a retail network comprising at least one district network including a district node and multiple regional networks, each having a regional node and multiple points of sale; enabling the customer to specify placing an order for delivery from a first node to a selected point of sale and explicitly specifying the point of sale computer to provide information that requires a first bandwidth and the regional computer provides the customer with information that requires a second bandwidth more narrow than the first bandwidth.

Schlaflly teaches a retail network comprising at least one district network including a district node and multiple regional networks, each having a regional node and multiple points of sale (Column 1 lines 56-65).

Based on the teaching of Schlaflly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Perkowski reference to

include a retail network comprising at least one district network including a district node and multiple regional networks, each having a regional node and multiple points of sale in order to improve customer order fulfillment by providing multiple fulfillment points.

Roach et al. teaches a system enabling the customer to specify placing an order for delivery from a first node to a selected point of sale (Abstract, Figure 3C).

Based on the teaching of Roach et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Perkowski reference to include a system enabling the customer to specify the delivery location of the items ordered, for the advantage of enabling delivery of merchandise to customers in the shortest possible time (Roach Column 2 lines 56-60).

Although Perkowski does not explicitly specify the point of sale computer to provide information that requires a first bandwidth and the regional computer provides the customer with information that requires a second bandwidth more narrow than the first bandwidth, Perkowski implicitly discloses the point of sale providing information that would require more bandwidth than the regional computer (Paragraphs [0036] - [0037]). Furthermore it would have been obvious to one of ordinary skill in the art to modify information in a local terminal to utilize information that would require more bandwidth than information transferred over a network server.

Response to Arguments

7. Applicant's arguments filed on August 10, 2010 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faris Almatrahi/
Examiner, Art Unit 3627

FA